

In re:

Denise Houser

Debtor(s)

Case No.: 20-10487

Chapter 13

Judge Ashely M. Chan

Denise Houser,

Plaintiff,

VS.

**Wells Fargo Bank, N.A., and Manley
Deas Kochalski, LLC,**

Defendants.

Adv. Pro. No. 20-00221

MOTION FOR SUMMARY JUDGMENT OF
DEFENDANT MANLEY DEAS KOCHALSKI LLC

NOW COMES Defendant Manley Deas Kochalski LLC (“MDK”), by and through counsel, and hereby submits its motion for summary judgment under Rule 56. No reasonable jury in this case could return a verdict against MDK on either of the two claims plaintiff Denise Houser (“Houser”) has asserted against MDK.

Houser’s claim against MDK under the federal Fair Debt Collections Practices Act (“FDCPA”) fails both because the foreclosure writ praecipe to which Houser objects does not fall within the FDCPA. Furthermore, even if it did, it does not violate the FDCPA because it correctly states the amount of the judgment, as required by Pennsylvania law.

Furthermore, Houser's claim under Pennsylvania state law fails because Houser cannot

produce summary judgment evidence to indicate that she relied to her detriment on the judgment amount stated on the foreclosure writ praecipe, nor that she suffered any ascertainable loss.

A memorandum in support of the instant motion is being filed contemporaneously and is incorporated herein.

Respectfully submitted,

/s/ Sarah E. Bargrover

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